

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3795 OF 2022

Dinesh Ramrao Sambhare

vs.

Conservator of Forest (Territorial) Dist. Amravati and another

AND

WRIT PETITION NO. 3796 OF 2022

Manish Bhaurao Jijotkar

vs.

Conservator of Forest (Territorial) Dist. Amravati and another

AND

WRIT PETITION NO. 3797 OF 2022

Dipak Madhavrao Padalkar

vs.

Conservator of Forest (Territorial) Dist. Amravati and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N. R. Saboo, Advocate for petitioners in all the writ petitions.

Mr. K. L. Dharmadhikari, AGP for respondent Nos.1 and 2 in Writ Petition No.3795 of 2022.

Ms. Sangita Jachak, AGP for respondent Nos.1 and 2 in Writ Petition No.3796 of 2022.

Ms. T. H. Khan, AGP for respondent Nos.1 and 2 in Writ Petition No.3797 of 2022

CORAM : MANISH PITALE J.

DATE : 08/07/2022

By these petitions, the petitioners have
challenged orders dated 04/07/2022, passed by the

Industrial Court at Amravati, whereby applications for grant of interim relief have been rejected.

2. The petitioners herein have challenged orders of transfer issued in their cases. In Writ Petition No.3795 of 2022, the petitioner has been transferred from Amravati to Anjangaon, in Writ Petition No.3796 of 2022, the petitioner has been transferred from Amravati to Chikhaldara and in Writ Petition No.3797 of 2022, the petitioner has been transferred from Amravati to Paratwada.

3. In the Complaints moved before the Industrial Court various grounds of challenge have been raised on merits and applications for grant of interim relief were also moved in the pending Complaints by the petitioners.

4. By the impugned orders, the said applications have been rejected and the petitioners claimed that there is grave urgency in the matter and rejection of interim relief is wholly unsustainable, because cogent grounds to demonstrate *prima-facie* case were not appreciated by the Industrial Court while passing the impugned orders.

5. This Court has perused the impugned orders. The grounds highlighted on behalf of the petitioners while seeking interim relief have been taken note of, considered and findings have been rendered that no *prima facie* case is made out. The Industrial Court has also referred to and discussed the case law upon which reliance was placed on behalf of the petitioners.

6. The learned counsel appearing for the petitioners strenuously urged that crucial aspects like the place of posting of the spouse of the petitioners was not taken into consideration, which was in the teeth of the policy of the Government itself. It was further contended that recommendations made by the respondent No.2 in favour of the petitioners were not considered while issuing the impugned transfer orders.

7. This Court is of the opinion that the nature of contentions raised on behalf of the petitioners are such that they can be considered while the Complaints are considered and disposed of on merits. The Industrial Court has correctly analyzed the material on record, only for considering whether *prima facie* case is made out. This Court is in

agreement of the approach adopted by the Industrial Court in these matters.

8. Nonetheless the urgency of the matters cannot be ignored and therefore, while confirming the impugned orders passed by the Industrial Court, this Court is inclined to give appropriate directions for disposal of the Complaints on merits.

9. In view of the above, the writ petitions are dismissed.

10. The Industrial Court is directed to immediately take up the Complaints filed by the petitioners for consideration on merits and to decide them expeditiously, in any case within a period of **six weeks** from today.

11. It is made clear that while considering the Complaints of the petitioners on merits, the observations made in the impugned orders and the order passed by this Court today, shall not influence the Industrial Court.

JUDGE